

E-FILING

FILED

SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney

2007 SEP 20 P 3:59

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR 07 00603

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH VAN AALSBURG,

Defendant.

VIOLATIONS:

18 U.S.C. § 2252(a)(4)(B) - Possession of  
Matters Containing Any Visual Depiction of  
a Minor Engaging in Sexually Explicit  
Conduct; 18 U.S.C. §§ 2253(a)(1) & (a)(3)-  
Criminal Forfeiture

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

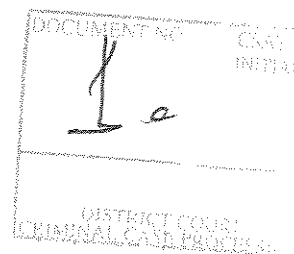
COUNT ONE: (18 U.S.C. § 2252(a)(4)(B) - Possession of Matters Containing Any Visual  
Depiction of a Minor Engaging in Sexually Explicit Conduct)

On or about March 8, 2005, in the Northern District of California, the defendant,

KENNETH VAN AALSBURG,

did knowingly and intentionally possess certain matter, to wit, images, which visual depictions  
had been mailed and transported in interstate and foreign commerce by any means, including by  
computer, and the producing of which visual depictions (1) involved the use of one and more  
minors engaging in sexually explicit conduct, and (2) were of such conduct, in violation of Title  
18, United States Code, Section 2252(a)(4)(B).

INFORMATION



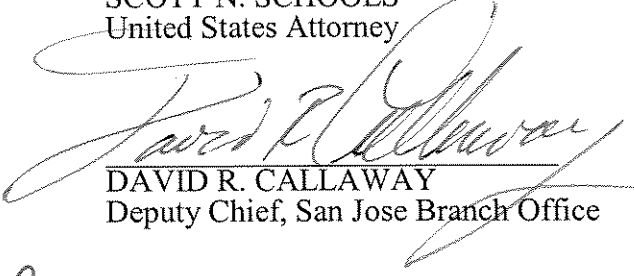
FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)


1. The allegations contained in Count One of this Information are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

2. Upon conviction of the offense alleged in Count One above, the defendant,  
KENNETH VAN AALSBURG,  
shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1) and (a)(3), all visual depictions described in Title 18, United States Code Section 2252, and all property, real or personal, used or intended to be used to commit or promote the commission of the offenses of conviction, including the following computers seized from the defendant's residence: Hewlett Packard computer, serial no. MX312232A, Sony Laptop computer, serial no. 28306930350763; and a Domino Brand Tower Computer with no serial number present.

Dated: 9/19/2007

SCOTT N. SCHOOLS  
United States Attorney

  
DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch Office

(Approved as to form: )

AUSA FAZIOLI

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 18 USC § 2252(a)(4)(B)- Poss. of  
 Matters Containing Any Visual  
 Depiction of a Minor Engaging in  
 Sexually Explicit Conduct; 18 USC  
 §§2253(a)(1) & (a)(3)-Cr Forfeiture

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 Ten (10) Years Imprisonment, \$250,000 Fine, Life Term  
 Supervised Release, \$100 Special Assessment and  
 Registration as a Sex Offender
**PROCEEDING**
 Name of Complainant Agency, or Person (& Title, if any)  
 Federal Bureau of Investigation, Wade Luders, Special Agent

DHS-ICE

☐ person is awaiting trial in another Federal or State  
 Court, give name of court

☐ this person/proceeding is transferred from another  
 district per (circle one) FRCrP 20, 21 or 40. Show  
 District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on  
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a  
 pending case involving this same  
 defendant

☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding  
 this defendant were recorded under
SHOW  
DOCKET NO.MAGISTRATE  
CASE NO.
 Name and Office of Person  
 Furnishing Information on  
 THIS FORM
**SCOTT N. SCHOOLS**
☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

Joseph A. Fazioli, AUSA

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

 RICHARD W. WIEKING  
 KENNETH VAN AALSBURG

 U.S. DISTRICT COURT  
 NO. DISTRICT COURT NUMBER
**CR 07 00603****DEFENDANT****IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons  
 was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
**IS IN CUSTODY**
 4) ☐ On this charge

 5) ☐ On another conviction

 6) ☐ Awaiting trial on other  
 charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed? ☐ Yes ☐ No

 If "Yes"  
 give date  
 filed

**DATE OF  
 ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
 TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance
**Defendant Address:**
 Kenneth Van Aalsburg, c/o Thomas J. Nolan, Esq.  
 Nolan, Armstrong & Barton LLP  
 600 University Avenue  
 Palo Alto, CA 94301-2076

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: September 27, 2007 at 9:30 a.m.

Before Judge: Hon. Patricia V. Trumbull

**Comments:**